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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.701 OF 2007

Mr. Pratyush Sunil Patwari ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. A.P. Mundargi, senior counsel with Mr. Yashpal Thakur i/b M/s. Paras Kuhad & Associates for the petitioner.

Mr. S.D. Shinde, A.P.P. for the State.

Mr. B.V. Bukhari for respondents 3 and 4.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 17TH APRIL, 2007.

P.C.:-

1. The petitioner has filed this petition praying that FIR No.7 of 2007 dated 8/1/2007 registered by the Gamdevi Police Station, Mumbai under sections 279 and 338 of the Indian Penal Code be quashed.

2. We have heard the learned counsel for the petitioner and the learned counsel for respondents 3 and 4.

3. We are informed by the learned counsel for the parties that the petitioner and respondents 3 and 4 have amicably settled the matter. Deed of

Settlement dated 7/4/2007 signed by the petitioner and respondents 3 and 4 acknowledging the terms of the settlement is annexed to the petition as Exhibit-B. We note the presence of the petitioner as well as respondents 3 and 4 in the court. They confirm that the dispute is settled. The learned counsel state that in view of the settlement and in the light of the judgment of the Supreme Court in ***B.S. Joshi v. State of Haryana & Anr., (2003) 4 SCC 675***, the pending FIR be quashed. In view of the settlement and in the light of the judgment of the Supreme Court in ***B.S. Joshi' case (supra)***, we see no reason why the pending FIR should not be quashed. Hence, the following order :

4. FIR No.7 of 2007 dated 8/1/2007 registered by the Gamdevi Police Station, Mumbai, is quashed. The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]